

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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SENATE NATURAL RESOURCES

EMEND NO. 2

DATE 2-15-13

BILL NO. SB 265

TRIBAL COUNCIL MEMBERS:

Joe Durglo - Chairman
Carole Lankford - Vice Chair
Reuben A. Mathias - Secretary
Ron Trahan - Treasurer
Leonard W. Gray
Lloyd D. Irvine
Steve Lozar
Jim Malatare
James Bing Matt
Terry Pitts

Senate Bill 265

A Bill to Extend the Reserved Water Rights Compact Commission

Testimony by the Confederated Salish and Kootenai Tribes in Opposition to SB 265

Senate Natural Resources Committee

February 15, 2013

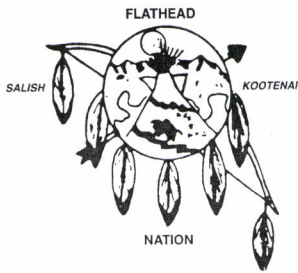
I am Joe Durglo, Chairman of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Nation. Our home is the Flathead Indian Reservation. That Reservation, our homeland, is all that remains of our once vast aboriginal territory that encompassed much of this State.

The Tribes oppose Senate Bill 265. We have worked hard over the years to reach a water rights compact and have done so. That Compact needs to be acted on in this Legislative session. The Tribes have reached their bottom line. Extension of negotiations for two more years will not change the terms we have agreed to. We see this bill as a delay tactic designed to sidetrack the Compact.

We have worked hard to preserve our homeland; its fish, wildlife, agriculture, forests and streams, cities and towns, all of which contribute to the Reservation economy. We reserved our homeland under the Hellgate Treaty of July 16, 1855. That Treaty was approved by Congress under the terms of the United States Constitution. It was good law then. It's good law now. It guaranteed us land and water and we have had to struggle to keep those precious natural resources. The Compact protects our interests as well as all verified non-Indian uses of Reservation water.

Montana wrote the rules for quantifying our Tribal water rights in the Montana Water Use Act. We have played by those rules. The Compact Commission, a body unique in the 50 states, is a truly inspired Legislative creation. It was designed to negotiate, rather than litigate, the quantification and administration of federal reserved water rights. We have played by the rules of the Compact Commission for many years in our good faith efforts to do the best we can for our future generations while at the same time protecting verified existing non-Indian uses of Reservation water. We have urged prior Legislatures to extend the life of the Commission because our negotiations were not complete.

The last 4 years have seen an ever-increasing public effort by the State, the Tribes and the United States to publicly negotiate a Reservation-wide water Compact. We have been successful. The Compact



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A People of Vision

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includes a negotiated water use agreement with the three State-charted irrigation districts receiving water from the federal Flathead Indian Irrigation Project, the single biggest user of Reservation water. The Compact also includes water for our Treaty protected aboriginal right to fish in usual and accustomed places off the Reservation.

The compact that awaits Legislative introduction and approval is the deal we made under this Legislature's rules. It is being delayed by a few who disagree with the laws of this State and the United States. Please take all steps necessary to approve it in this Legislative session. There will be losses to Indians and non-Indians alike if the Compact is not approved and negotiations are extended beyond the 2013 Legislature.

The Confederated Salish and Kootenai Tribes oppose SB 265.

Water; senate bill 265 2013